



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,204	03/02/2001	John Henry Forster	P277103	6271

909 7590 04/30/2003

PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 04/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,204

Applicant(s)

FORSTER ET AL.

Examiner

Hargobind S Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 12, 2002 has been entered.

Further, claims 13-24 have been renumbered as claims 1-12.

Drawings

2. The drawings filed on March 2, 2001 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Klick et al. (European Patent Publication No. 0660293 A3).

The English translation of Klick et al. (European Patent Publication No. 0660293 A3) submitted by the applicant does not have page numbers. Therefore, the examiner has assigned page numbers to facilitate the examination. Marked-up copy is attached with this Office Action.

Regarding claims 1,2 and 11, Klick et al. (European Patent Publication No. 0660293 A3) disclose an edge-lit illumination system (Figure 9) comprising:

- a light transmitting sheet 1 (English translation, Figure 9, page 7, Para. 10) and a light source positioned in proximity to and adjacent to an edge of the light transmitting sheet 1 (English translation, Figures 2 and 9, page 7, Para. 10);
- at least one, the limitation “ at least one” being interpreted as either one or both opposing surfaces, of the two opposing surfaces of the light transmitting sheet 1 carrying markings (English translation, Figures 2 and 9); and

Art Unit: 2875

- the marking being randomly disposed on at least one nominal area of the at least one the opposing surfaces (English translation, Figures 2 and 9, page 7, Para. 10) .
- the markings being of irregular shapes, and being disposed randomly (English translation, Figure 1, page 4, lines 18 and 19) with in each of the nominal surface area.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klick et al. (European Patent Publication No. 0660293 A3).

Regarding claims 3-10, Klick et al. (European Patent Publication No. 0660293 A3) does not teach an edge-lit illumination system comprising light emitting sheet including:

- the marking covering from (a) 0.1 to 99%; and (b) 1 to 40% of the sheet area;
- the light emitting sheet having each nominal area being of equal size;

Art Unit: 2875

the light-emitting sheet having each nominal area is of different size;

- the area of marking coverage in each nominal area being the same;
- the area of marking coverage being different in each nominal area; and
- marking ranges from 0.3 to 3 mm in length, and being of an irregular shape.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the edge-lit illumination system of Klick by providing a light emitting sheet having specific size marking covering a specific nominal area, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klick et al. (European Patent Publication No. 0660293 A3) in view of Murase et al. (US Patent 5,178,447)

Regarding claim 12, Klick et al. (European Patent Publication No. 0660293 A3) does not teach an edge-lit illumination system comprising a light-emitting sheet having its surface screen printed with markings. Instead, Klick et al. ('293 A3) teaches the light-emitting sheet covered with at least one layer having markings on its surface.

On the other hand, Murase et al. (US Patent 5,178,447) discloses an edge light panel 10 (Figures 1-3, column 3, line 55) having its surface screen-printed with markings (Figures 1-3, column 3, lines 55-58).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the edge-lit illumination system of Klick by providing a light emitting

Art Unit: 2875

sheet with its surface screen printed with markings as taught by Murase et al. (US Patent 5,178,447) for benefit and advantage of cost saving resulting from not requiring an additional film printed with markings.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kashima (US Patent 5,730,518), Saigo (US Patent 5,926,033) and Hosseini et al. (US Patent 6,347,873 B1) each discloses a lighting device comprising some of the feature claimed by the applicant.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 703-306-5909. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Application/Control Number: 09/786,204

Page 7

Art Unit: 2875

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956.

HSS
April 28, 2003


Examiner: Hargobind S. Sawhney